



August 15, 2011

The Honorable Leslie G. Foschio
Magistrate Judge
United States District Court
Western District of New York
U.S. Court House
68 Court Street
Buffalo, New York 14202

**** FILED IN CM/ECF ****

Re: Paul Ceglia v. Mark Zuckerberg et al.
Civil Action No.: 1:10-CV-00569-RJA

Dear Judge Foschio,

After reviewing the Court's August 12, 2011 Order (Doc No. 107) (Order), it appears that the Court may have misunderstood the nature of Items 2 and 4 in ruling on the propriety of designating them as confidential. Specifically, the Order states,

First, Items 1-4 related to a signed agreement between Plaintiff and Defendant Zuckerberg for software development and in connection with a StreetFax product. As the document was allegedly executed by Zuckerberg, Plaintiff could not entertain a reasonable belief that it was a confidential private document, *particularly in light of the fact that a copy of the executed agreement was attached by Plaintiff to the Complaint in this action.*

(Order at 5-6 (emphasis added).) Based on this language, it appears that Court may have understood Items 2 and 4 to be the **exact same** as what "was attached by Plaintiff to the Complaint in this action." (*Id.*) However, Items 2 and 4 are different from what Plaintiff attached to the Complaint.

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Given the above, Plaintiff respectfully requests that the Court amend the Order as it pertains to Items 2 and 4 so that the parties are required to continue to consider those items confidential until Plaintiff has had an opportunity to be heard at the August 17, 2011 hearing. In the event the Court should deny this request, Plaintiff hereby gives notice that it will move for a protective order as to Items 2 and 4 on grounds other than those already covered by the Joint Stipulated Protective Order (Doc. No. 86.)

Respectfully Submitted,

s/ Jeffrey Lake

Jeffrey A. Lake, Esq.
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CC: Alexander H. Southwell, Esq.